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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PENDLETON DIVISION

OREGON FIREARMS FEDERATION, INC.,  
et al.,

Plaintiffs,

v.

TINA KOTEK, et al.,

Defendants,

and

Case No. 2:22-cv-01815-IM (lead case)  
3:22-cv-01859-IM (trailing case)  
3:22-cv-01862-IM (trailing case)  
3:22-cv-01869-IM (trailing case)

**DECLARATION OF COMMANDER  
REBECCA DAVID**

OREGON ALLIANCE FOR GUN SAFETY,

Intervenor-Defendant.

MARK FITZ, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

KATERINA B. EYRE, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants,

and

OREGON ALLIANCE FOR GUN SAFETY,

Intervenor-Defendant.

DANIEL AZZOPARDI, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

I, Rebecca David, declare:

1. I am the Bureau Commander for the Public Safety Services Bureau of the Oregon State Police (“OSP”). The following statements are true and correct and, if called upon, I could competently testify to the facts averred herein.

2. The Public Safety Services Bureau, which I oversee, is responsible for managing Criminal Justice Information Services within OSP. Criminal Justice Information Services includes the Firearms Instant Check System (“FICS”). OSP uses the FICS system to conduct background checks for firearm transfers.

3. OSP is prepared to implement its functions under Measure 114. OSP has created an application form for local law enforcement to use. OSP can receive completed applications collected by local law enforcement by fax or United States Mail.

4. OSP is working with a technology vendor to allow local law enforcement departments to transmit fingerprints electronically. Although this transmission system is not yet operational for permit applications, OSP expects that it will be ready before March 8, 2023. In addition, because not all local law enforcement departments have electronic fingerprint transmission equipment, OSP is also working on a grant application that could allow them to obtain those machines.

5. The electronic transmission system is not necessary to process applications: OSP can receive fingerprints on fingerprint cards through the United States mail or by courier.

6. Once OSP receives applications, it will run background checks on applicants using existing state and federal systems, including an Oregon fingerprint database.

7. The Federal Bureau of Investigation (“FBI”) has informed OSP that it will not perform fingerprint-based criminal background checks for permit applicants based on their determination that Ballot Measure 114 does not meet the requirements of Pub. L. 92-544.

8. If OSP’s background checks using existing state and federal systems find no disqualifiers, OSP will report back to the permit agent that no disqualifiers have been found. It

will also report that the FBI refused to perform a fingerprint-based criminal background check under Pub. L. 92-544.

9. Since 2018, the FICS Program implementing Oregon's background check law has prevented more than 12,400 individuals who are not permitted to own firearms from obtaining a gun, including more than 4,700 felons and 2,000 individuals on probation.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 2/6/23



A handwritten signature in blue ink, appearing to read "Rebecca David". Below the signature, the name "Rebecca David" is printed in a smaller, sans-serif font.

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